APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,624	02/09/2000	Dean Amburn	AMB 0101 PA	2881

27572   7590   08/01/2003

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI   48303

EXAMINER
DASS, HARISH T

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.		Applicant(s)
Office Action Summary		09/500,624		AMBURN, DEAN
		Examiner		Art Unit
		Harish T Dass		3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 May 2003_ .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _30-33 and 35-46_ is/are pending in the application.

   4a) Of the above claim(s) _1-29 and 34_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _30-33 and 35-46_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _9_ .
4) ☒ Interview Summary (PTO-413) Paper No(s). _12_ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-29 and 34 are withdrawn.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 30-33 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lupien et al US 5,845,266 (hereinafter Lupien) in view of Sposito (US PGPUB

2001/0042033 A1).

Re. Claim 30, Lupien discloses receiving from a client of the network accessible

brokerage at least one computer implemented decision model (satisfaction density) for

the security, and inputting data into the decision model [Lupien – see entire document

particularly, Abs; C1 L24-L64; C4 L19-L36; C6 L29-L54], and in response to monitoring

said decision model, automatically generating a sell transaction order, and automatically

transmitting the sell transaction order to the market computer [Lupien – C6 L14-L; C8

L5-L15, wrap the profile], and in response to monitoring said decision model,

automatically generating a buy transaction order, and automatically transmitting the buy

transaction order to a market computer [Lupien – C4 L18-L60]. Lupien, explicitly does

not disclose monitoring the decision model, and after the step of transmitting the buy

transaction, monitoring the decision model. However, Sposito discloses these steps

[Sposito – see entire document particularly; abs; C1 para. 0003, 0019-0022; C2 para

0023-0025, 0029-0031]. Therefore, it would been obvious to one ordinary skill in the art

at the time the applicant's invention was made to modify the disclosure of Lupien and

include monitoring the decision model, as disclosed by Sposito, to monitor and modify

and update securities associates purchase price and last sale price.

Re. Claims 31-33, Lupien discloses canceling the sell order if the decision model

indicates a trade is undesirable [C11 L1-L22; C19 L22-L40] and Sposito disclosed

monitoring (see claim 30). Neither Lupien not Sposito, explicitly, discloses wherein the

step of generating a transaction order comprises after the step of generating a sell

order, and monitoring the sell order until the order is filled, and after the step of

transmitting the buy transaction order, establishing a floating stop loss level, and floating

stop loss level comprises a dynamic stop loss. However, these steps are will known and

inherent part of trading securities.

Re. Claims 44-46, Lupien discloses at least one client computer (terminal) in

communication with the automated trading system via the network wherein the client

computer is operated by a client computer user [see Ref-to-Lupien above; Fig. 1, C6

L14-L39], and at least one computer implemented decision model for deciding whether

to buy or sell a security wherein the decision model comprises logic for buying and

selling the security, wherein the at least one decision model enters a state comprising a

buy state and a sell state [see Ref-to-Lupien above; Abs; C1 L24-L64; C4 L19-L36; C6

L29-L54], and a data input processor for receiving data from a data source and inputting

the data into the decision model [see Ref-to-Lupien above; C4 L19-L28], and a

computer implemented transaction approval processor for determining if a transaction to

buy or sell the security is appropriate if the at least one decision model enters the buy

state and/or the sell state [see Ref-to-Lupien above; Abs], and a computer implemented

transaction submission processor for submitting a transaction to buy or sell the security

if approved by the transaction approval processor, wherein the decision monitor

continuously monitors the at least one decision model and the security is repeatedly

bought and sold based on the state of the at least one decision model and the

determination of the transaction approval processor [see Ref-to-Lupien above; C6 L34

to C7 L5; C14 L52-L61], and wherein the logic of the decision model is defined by the

user [see Ref-to-Lupien above; Abs], and wherein the logic of the decision model

comprises a moving average [see Ref-to-Lupien above]. Lupien. Explicitly, does not

discloses a computer implemented decision monitor for monitoring the state of the at

least one decision model. However, Sposito discloses this step. Therefore, it would

been obvious to one ordinary skill in the art at the time the applicant's invention was

made to modify the disclosure of Lupien and include monitoring the decision model, as

disclosed by Sposito, to monitor securities associates purchase price and last sale

price.

Claims 35-36 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lupien in view of Kane (US 6,317,728).

Re. Claims 35-36, Lupien discloses receiving at least one computer implemented buy

decision model for the security, and receiving at least one computer implemented sell

decision model for the security, and providing a computer implemented monitoring

process for monitoring (observing) the decision models for a buy decision and/or a sell

decision [Lupien – Abs; C1 L24-L64; C4 L19-L65; C8 L5-L59], and providing a computer

implemented transaction approval process for determining if a transaction to buy or sell

the security is appropriate [Lupien – Abs (accommodates stock exchange rules)], and

providing a computer implemented transaction submission process for submitting a

transaction to buy or sell the security to a market computer system and monitoring the

transaction until it is completed [C8 L5-L15; C11 L1-L21], and inputting data into the buy

decision model and the sell decision model wherein the data comprises data for the

security [C7 L15-L23], and if the buy decision is reached then determining through the

transaction approval process if a buy transaction is appropriate and if so then

automatically submitting through the transaction submission process an order to buy the

security [C8 L5-L15; C11 L1-L21], and if the sell decision is reached then determining

through the transaction approval process if a sell transaction is appropriate and if so

then automatically submitting through the transaction submission process an order to

sell the security [C8 L5-L15; C11 L1-L21], and continuing inputting data into the

decision models, monitoring the decision models through the monitoring process, and

repeating the steps if the buy decision is reached or the sell decision is reached until the process is stopped [Lupien- C14 L39-L67], and the transaction submission process, the buy decision model, and the sell decision model [C8 L5-L15; C11 L1-L21]. Lupien, explicitly, does not disclose monitoring the decision models through the monitoring process for the buy decision and/or the sell decision, and wherein the transaction approval process, the transaction submission process, the buy decision model, and the sell decision model are on a computer system for a network accessible brokerage wherein the buy decision model and the sell decision model are provided to the network accessible brokerage through a client computer system in communication with the network accessible brokerage. However, Kane discloses this step [Kane – see entire document particularly, Abs; C1 L20 to C3 L51; C5 L1-L65; C7 L17-L67; C10 L65 to C11 L60; (decision models = agents)]. Therefore, it would been obvious to one ordinary skill in the art at the time the applicant's invention was made to modify the disclosure of Lupien and include monitoring the decision models through brokerage network, as discloses by Kane, to monitor a portfolio of stocks in real time which can shield an investor from loss while maximizing gain.

Re. Claim 37, Lupien discloses a. accepting one or more computer implemented decision models for a security wherein the one or more decision models comprise logic for deciding to buy the security and logic for deciding to sell the security [Lupien: Abs; Fig. 1-2, 4-7, 11; C1 L24-L64; C2 L45-L65; C3 L23-L36; C4 L18 to C5 L34; C6 L L29-L65; C8 L5-L59; C11 L12-L21; C14 L53-L61; C19 L3-L45 = Ref-to-Lupien], and c.

providing a computer implemented transaction approval process for determining if a

transaction to buy or sell the security is appropriate once the decision to buy or the

decision to sell has been made [see Ref-to-Lupien above], and d. providing a computer

implemented transaction submission process for submitting the transaction to buy or

sell the security to a market computer system and monitoring the transaction until it is

completed [Ref-to-Lupien above], and e. inputting data into the one or more decision

models, wherein the data is input into the one or more decision models until the process

is stopped [see Ref-to-Lupien above], and g. if the decision to buy or the decision to sell

is reached then determining using the transaction approval process if a buy or sell

transaction is appropriate and if so then automatically submitting using the transaction

submission process an order to buy or sell the security [see Ref-to-Lupien], and h.

iteratively repeating above steps f. and g. until the process is stopped [see Ref-to-

Lupien above; C6 L34 to C7 L5; C14 L52-L61]. Lupien, explicitly, does not disclose b.

providing a computer implemented monitoring process for monitoring the one or more

decision models for a decision to buy the security and/or a decision to sell the security,

and f. monitoring the one or more decision models using the monitoring process, for the

decision to buy and/or the decision to sell. However, Kane discloses these steps: b.

providing a computer implemented monitoring process for monitoring the one or more

decision models (agents) for a decision to buy the security and/or a decision to sell the

security [Kane US 6,317,728 – see entire document particularly, Abs; C1 L20 to C3 L51;

C5 L1-L65; C7 L17-L67; C10 L65 to C11 L60 = Ref-to-Kane], and f. monitoring the one

or more decision models using the monitoring process, for the decision to buy and/or

the decision to sell [see Ref-to-Kane above]. Therefore, it would been obvious to one ordinary skill in the art at the time the applicant's invention was made to modify the disclosure of Lupien and include monitoring the decision models through brokerage network, as discloses by Kane, to monitor a portfolio of stocks in real time which can shield an investor from loss while maximizing gain.

Re. Claims 38-39, Lupien discloses wherein the decision model comprises a moving average calculation of at least a portion of the data [see Ref-to-Lupien above (average price=aggregate average price)], and wherein the decision model comprises a weighted data process [see Ref-to-Lupien; C2 L62-L67; C23 L1-L20].

Re. Claims 40-43 Lupien, explicitly, does not disclose after the steps of submitting an order to buy the security and monitoring the transaction until it is completed, automatically initiating a floating stop loss process for selling the security wherein either the floating stop loss process or the decision model can reach a decision to sell the security, and wherein the floating stop loss is a dynamic floating stop loss, and the step of validating the data before the step of inputting the data into the decision model, and further comprises logic to sell short the security and logic to buy to cover the security. However, Kane discloses these steps: after the steps of submitting an order to buy the security and monitoring the transaction until it is completed, automatically initiating a floating stop loss (stop loss order) process for selling the security wherein either the floating stop loss process or the decision model can reach a decision to sell the

security, and wherein the floating stop loss is a dynamic (monitoring stocks continuously) floating stop loss [see Ref-to-Kane above; C2 L22-L34], and the step of validating the data before the step of inputting the data into the decision model [see Ref-to-Kane above; C7 L34-L67; C13 L25-L65], and further comprises logic to sell short the security and logic to buy to cover the security [see Ref-to-Kane above; C3 L20-L58]. Therefore, it would been obvious to one ordinary skill in the art at the time the applicant's invention was made to modify the disclosure of Lupien and include stop loss, validating, and selling short to protect oneself from loss and make money on the way up and more on the way down.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US Pat. 5,963,923 to Garber, Oct. 5, 1999, "System and method for trading having a principal market maker", this invention discloses a system and method is provided for linking a Rolling Spot Currency contract with a Principle Market Maker program. In one aspect of the invention, the system includes an electronic

brokerage and trading network having at least one computer coupled to receive

and transmit bids and offers for international currency trading; a display terminal

and input; and a principal market maker computer coupled to the electronic

brokerage and trading network wherein the principal market maker computer is

operative to receive and transmit the bids and offers and execute international

currency trades by maintaining a market for such currencies. In another aspect

of the invention, the method includes the steps of receiving and transmitting bids

and offers for publicly traded currencies; storing the received bids and offers in a

memory; identifying and executing the matching bids and offers; and identifying

unmatched bids and offers and providing a complementary trade to maintain a

market for such currencies.

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
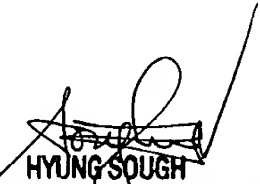
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass H T D
Examiner
Art Unit 3628

***

July 28, 2003

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600